

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 571 OF 2006

Rajesh N. Parkar ... Petitioner

Vs.

Maharashtra Housing & Area
Development & 2 Ors. ... Respondents

Mr. Santosh Shetty for Petitioner.

Ms. Geeta Shastri, A.G.P. for R. Nos. 1 and 2.

Mr. R.D. Vora for R. No. 3.

**CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI, JJ.
DATE : 12th June, 2006**

P.C.:

. The Petitioners claim right in respect of the premises allotted in favour of Respondent No. 3. It is their case that their grandfather was the tenant and in these circumstances, both the Petitioners and Respondent No. 3 are entitled to the premises.

. From the record of Respondent No. 1, it appears that the name of Mr. Gajanan Parkar was shown as tenant. The Respondent No. 3 is son of Gajanan. In the affidavit filed by him it is set out that the possession of the premises were given on 21.9.2006 and he is in possession of the same and has done improvements in the said premises.

. The dispute is purely a dispute between the Petitioner and Respondent No. 3. This controversy can be decided by the Petitioner by filing a suit in the competent court for whatever rights he may have.

Considering that the Respondent No. 3 is already in possession, pending the relief granted by the said court in appropriate motion which may be taken out by the Petitioner, Respondent No. 3 to continue in possession. However, he will not part with or claim any rights or alienate the premises for the period of six weeks from today to enable the Petitioner to obtain appropriate relief in appropriate proceedings from the competent court. With the above observations, petition stands disposed of.

(F.I.REBELLO, J.)

(MRS.V.K.TAHILRAMANI, J.)